

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2
3 IN THE STATE OF ARIZONA

4 In the Matter of

5 **SCOTT WERNER, M.D.**

6 Holder of License No. **17352**
7 For the Practice of Medicine
8 In the State of Arizona.

INVESTIGATION NO. 12881

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER
(Letter of Reprimand)**

9 **INTRODUCTION**

10 This matter was initially heard and considered by the Arizona Board of Medical
11 Examiners (Board) at its public meeting on February 3, 2000, at which Scott Werner, M.D.
12 appeared before the Board for the purpose of the Board conducting a formal interview,
13 pursuant to the authority vested in it by A.R.S. § 32-1451(G). On April 26, 2000, the Board
14 resumed consideration of the matter for the purpose of reviewing and approving the
15 following Findings of Fact, Conclusions of Law and Order. After due consideration of the
16 facts and law applicable to this matter, the Board voted to approve issuance of the
17 following Findings of Fact, Conclusions of Law and Order.

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of
20 the practice of allopathic medicine in the State of Arizona.

21 2. Dr. Werner is the holder of License No. 17352 for the practice of medicine in
22 the State of Arizona.

23 3. Board Investigation No. 12881 was initiated after the Board received
24 information from the State of Utah Department of Commerce Division of Occupational and
25

1 Professional Licensure that Dr. Warner's license to practice medicine in the State of Utah
2 was sanctioned in 1998 and he was placed on one (1) year's probation.

3 4. On December 8, 1998, Dr. Werner completed his annual Arizona licensure
4 renewal application for 1999. On that form Dr. Werner was asked if during the last
5 registration period had " . . . any action, including any disciplinary action or limitation or
6 restriction, or any agreement for any reason including rehabilitation been taken or entered
7 by any licensing board." Dr. Werner checked "No." Pursuant to A.R.S. § 32-1430(D) a
8 person renewing an active license to practice medicine in this State shall attach to his
9 completed renewal form a report of disciplinary action, restrictions or any other actions
10 placed on or against his license or practice by another state licensing or disciplinary board
11 or agency of the federal government. Dr. Werner provided no information to the Board
12 regarding actions taken against his license by the State of Utah.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
15 Werner.

16 2. The conduct and circumstances described above in paragraphs 3 and 4
17 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(jj)(knowingly making
18 a false or misleading statement to the board or on a form required by the board or in
19 written correspondence, including attachments, with the board).

20 **ORDER**

21 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
22 ordered that Dr. Werner is issued a Letter of Reprimand for making false or misleading
23 statements to the Board.

RIGHT TO PETITION FOR REVIEW

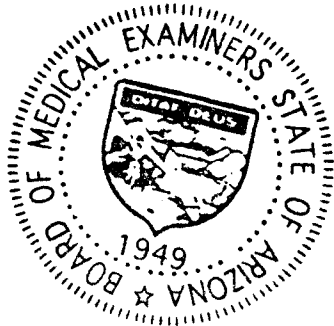
Dr. Werner is hereby notified that he has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. Service of this Order is effective five (5) days after the date of mailing. If a petition for rehearing is not filed, the order becomes effective thirty-five (35) days after it has been mailed.

Dr. Werner is further notified that the filing of a petition for rehearing is required to preserve any rights of appeal to the superior court that he may wish to pursue.

DATED this 3rd day of May, 2000.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

[SEAL]



By Claudia Foutz
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Assistant Director, Regulation

ORIGINAL of the foregoing filed this
5th Day of May, 2000, with:

The Arizona Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, AZ 85020

EXECUTED COPY of the foregoing mailed by Certified
Mail this 5th day of May, 2000, to:

Scott Werner, M.D.
864 S. Cedarwood Lane
Cedar City, UT 84720

1 **COPY** of the foregoing hand delivered this
2 5th day of May, 2000, to:

3 Gordon S. Bueler, Assistant Attorney General
4 c/o Arizona Board of Medical Examiners
5 1651 East Morten, Suite 210
6 Phoenix, AZ 85020
7 (Counsel for Board)

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9 Board Operations
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